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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 JEFFREY S. HOSMER,) Case no: 3:15-cv-00456-RCJ-WGC
8 Plaintiff,)
9 v.)
10 ADAM PAUL LAXALT, et al.,)
11 Defendants.)
12 _____)
13)

ORDER

13 **I. DISCUSSION**

14 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
15 ("NDOC"), has initiated a civil right action by filing a motion for emergency injunction (ECF No.
16 1-1, a motion for temporary restraining Order (ECF No. 1-2), a motion for emergency medical
17 treatment (ECF No. 1-3) and a lengthy motion for order to show cause (ECF No. 1-4). Plaintiff,
18 however, has not filed a complaint in this matter. Plaintiff has also neither paid the full filing fee
19 for this matter nor filed an application to proceed *in forma pauperis*.

20 Pursuant to Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing
21 a complaint with the court." Fed. R. Civ. P. 3. Accordingly, the Court grants Plaintiff thirty (30)
22 days from the date of this order to submit a civil rights complaint to this Court.

23 Additionally, pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must
24 complete an application to proceed *in forma pauperis* and attach both an inmate account
25 statement for the past six months and a properly executed financial certificate.

26 The Court will retain Plaintiff's initiating documents which have been docketed as a civil
27 rights matter (ECF No. 1-1 through 1-4), until Plaintiff has submitted his civil rights complaint
28 and the matter of the payment of the filing fee is resolved. Plaintiff will be granted an

1 opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full
2 filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis*,
3 he must file a fully complete application to proceed *in forma pauperis*.

4 **II. CONCLUSION**

5 For the foregoing reasons, IT IS HEREBY ORDERED as follows:

6 (1) The Clerk of the Court SHALL SEND Plaintiff the approved form for filing a
7 42 U.S.C. § 1983 complaint and instructions for the same.

8 (2) The Clerk of the Court SHALL SEND Plaintiff the approved form application to
9 proceed *in forma pauperis* by a prisoner, as well as the document entitled information and
10 instructions for filing an *in forma pauperis* application.

11 (3) Within **thirty (30) days** from the date of this order, Plaintiff shall either: (a) file a fully
12 complete application to proceed *in forma pauperis*, on the correct form with complete financial
13 attachments in compliance with 28 U.S.C. § 1915(a); or (b) pay the full \$400 fee for filing a civil
14 action (which includes the \$350 filing fee and the \$50 administrative fee).

15 (4) Also within **thirty (30) days** of the date of this order, Plaintiff shall submit a civil
16 rights complaint to this Court.

17 (5) If Plaintiff does not timely comply with this order, dismissal of this action may result.

18 (6) The Clerk of the Court shall retain the initiating documents (ECF No. 1-1 through
19 1-4), but shall not file them at this time.

20 DATED: This 22nd day of September, 2015.

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23 United States Magistrate Judge
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